

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Improving Public Safety Communications)	WT Docket No. 02-55
in the 800 MHz Band)	
)	
Consolidating the 900 MHz Industrial/Land)	
Transportation and Business Pool Channels)	
)	

COMMENTS OF BOSSHARD RADIO SERVICE

Steve S. Bosshard, operator of Bosshard Radio Service (“BRS”), though his attorney, hereby files these comments in response to the Commission’s March 15, 2002 Notice of Proposed Rulemaking in the above-captioned proceeding (“*Notice*”). Herein, BRS briefly but urgently asks the Commission to be mindful of the potentially devastating financial impact of its actions in this proceeding on the numerous small, entrepreneurial SMR operators who provide important service to their communities. There is no evidence in the record that such operators are the source of the harmful interference to public safety operations that are at the heart of this proceeding. Yet, some proposals in this proceeding would apparently impose substantial costs on these innocent operators, which costs these operators cannot, and should not have to, bear. Lastly, while BRS recognizes the important work performed by public safety agencies, and their need for a relatively interference-free environment in order to do that work, the Commission should not allow the legitimate needs of such agencies (like all licensees) for limited interference to be exploited into a rushed proceeding for spectrum-grabbing

(by both Nextel and public safety agencies). Rather, principles of equity, justice, and good public policy require that other less disruptive and less expensive means be tried, at least until it is demonstrated that they do not work.

I. Introduction

BRS started operations in 1985, and is a sole proprietorship owned by Steve Bosshard. Over the years, Bosshard has applied for and been granted SMR and other licenses to provide dispatch service to the business communities in Waco, Temple and Killeen, Texas. Bosshard holds eight PMRS licenses, three of which are licensed at frequencies between 855 and 860 MHz. BRS provides economical dispatch communications service the American Red Cross and security companies, as well as to mission-critical businesses such as construction companies that build and maintain highways and work on military installations such as the Fort Hood Gray Army Airfield. Infrastructure providers such as electrical companies, and Waste Management, Inc., also rely on the dispatch service provided by BRS.

II. Moving to 700 or 900 MHz Would Generate Very Large Expenses Which Would Be Devastating to BRS if Not Reimbursed.

As the Commission knows, the Nextel proposal would render as secondary, incumbent licensees in the Business, Industrial Land/Transportation and conventional SMR services. *Notice* at para. 34. Alternatively, such licensees could “voluntarily” relocate, at their own expense, to the 700 MHz guard band or the 900 MHz SMR band, in locations where Nextel holds such licenses. *Id.* Obviously, secondary status is incompatible with a viable dispatch service, leaving only the second alternative under the Nextel plan for consideration. Yet, even if Nextel has 700 or 900 MHz spectrum

available in BRS' service area, shifting its operations to those bands would require the purchase of new equipment, and related expenses, and Nextel does not propose to reimburse those costs. The cost, for just three licenses for BRS, are huge.

BRS customers currently operate approximately 1,200 mobile handsets. BRS estimates that the cost of replacing such mobile sets to be approximately \$750 each, for an approximate total cost of \$900,000, just for handsets. The cost of replacing the fixed transmitter equipment would be approximately \$300,000. Thus, the total cost of moving BRS' three 800 MHz licensed facilities to 700 or 900 MHz would be approximately **\$1.2 million**. This amount, if unreimbursed, would be devastating for a company with annual gross revenues of approximately \$120,000. In essence, BRS would have to just surrender its 800 MHz licenses, without compensation. This is totally unacceptable in light of the fact that Bosshard has operated the licenses consistent with FCC rules, and is not responsible for interference to public safety operators (or to any other operators, for that matter). Commission action that has the effect of making Bosshard abandon those licenses or move to the 700 or 900 MHz band, without compensation, would be arbitrary and capricious.

III. Other Steps Can and Should be Taken to Limit Interference to Public Safety Operators.

BRS recognizes the important work performed by public safety agencies, and their need for a relatively interference-free environment in order to do that work. However, the legitimate needs of public safety agencies (like all licensees) for limited interference should not be exploited into a rushed proceeding for spectrum-grabbing (by both Nextel and public safety agencies) where the majority of incumbent operators, who

have not caused the interference at issue, must shoulder the cost. Rather, principles of equity, justice, and good public policy require that other less disruptive and less expensive means be tried, at least until it is demonstrated that they do not work.

These other means, which have been shown to have a positive impact on the sort of interference caused by Nextel operations to traditional analog operators, include:

1. Conventional intermodulation reduction techniques, such as use of circulators, cavity filters, grounding equipment to reduce mixer junctions, and proper return loss installations (VSWR performance) on antennas; and
2. Frequency considerations, such as splitting antennas, and moving offending transmitters to different sites.

BRS firmly believes that use of such techniques could largely reduce the problems experienced by public safety and other users, if the Commission were to take the opportunity in this proceeding to demand that Nextel invest its proposed \$500 million in cleaning up the mess it has made, on a site-by-site basis, rather than just pushing the victims of its interference out of the way. BRS recognizes that taking such a site-by-site approach is not as “sexy” or dramatic as a massive restructuring of the frequency allocations for the private radio services, yet BRS hopes that the Commission will remain focused on a solution that is fair, cost-effective and equitable, rather than on one that generates good publicity, regardless of the cost or harm.

If the Commission concludes that demanding rigorous site-by-site resolution by the party causing interference is not a sufficient solution, then BRS supports voluntary migration within 800 MHz, similar to the MRFAC proposal described in the *Notice*. Retuning expenses resulting from migration within the 800 MHz will be substantially less than the cost of purchasing new 700 or 900 MHz equipment. In such a scenario,

however, incumbents should have to move only if it is shown that doing so will remedy interference to specific users, and only if the expense of retuning the incumbent is borne by the party causing the interference (or another party willing to take on the financial obligation).

IV. Conclusion

There is no evidence in the record that incumbent analog SMR operators such as BRS are the source of the harmful interference to public safety operations that are at the heart of this proceeding. Accordingly, BRS asks the Commission to be mindful of the potentially devastating financial impact of its actions in this proceeding on the numerous small, entrepreneurial SMR operators who provide important service to their communities.

Respectfully submitted,
BOSSHARD RADIO SERVICE

May 6, 2002

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